GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Disciplinary action initiated under Rule 20 of APCS (CC&A) rules 1991 against Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) – Case entrusted to Tribunal for Disciplinary Proceedings – Common Orders of Hon'ble High Court dated 05.11.2018 in W.Ps. No 25587/2017; 26311/2018 and 26381/2018 – Implemented – orders – Issued.

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5. Aggrieved by the above orders of the Hon'ble Tribunal, Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) has filed (3) Writ Petitions.No.25587/2018; 26311/2018 & 26381/2018 before the Hon'ble High Court. The Hon'ble High Court Judicature vide reference 12th read above, has passed the following orders in the said Writ Petitions:-

> "The writ petitions are accordingly allowed quashing the Charge Memos dated 27.11.2017, 21.06.2017 and 15.09.2017. The common order dated 18.06.2018 passed by the Tribunal in O.A.Nos.3483, 2912 and 3046 of 2017 shall stand set aside. The finding of the Tribunal therein to the effect that Rule 9(2) (b)(ii) and 9 (6) of the Rules of 1980 have no application to a case referred to the Tribunal for Disciplinary Proceedings under Section 4 of the Act of 1960 is held to be without legal basis. The petitioner is held entitled to his full pension and other retirement benefits. Respondents 1 and 2 shall endeavour to release the same expeditiously and, in any event, not later than eight weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs."

6. While the matter is under examination, Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) has filed Contempt Cases in CC.Nos.332; 333 & 334 of 2019 before the Hon'ble High Court of Judicature for not implementing the Common Orders dated 15.11.2018 in the said Writ Petitions vide reference 13th read above. The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada, while narrating the above issue, has requested to take necessary action in the matter in view of filing of contempt cases by the Charged Officer vide reference 14th read above.

7. Government, after careful examination of the entire matter, and keeping in view of the orders dated 15.11.2018 of Hon'ble High Court of Judicature in Writ Petitions.No.25587/2018; 26311/2018 & 26381/2018 filed by Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) have decided to implement the orders of Hon'ble High Court dated 15.11.2018 and to release the pension and pensionary benefits to Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired).

8. Accordingly, Government hereby order to implement the orders dated 15.11.2018 of Hon'ble High Court of Judicature in Writ Peitions.No.25587/2018; 26311/2018 & 26381/2018 filed by Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) and to release the pension and pensionary benefits of Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired).

9. The Commissioner of Prohibition and Excise shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri C.Mallem Kondaiah, Prohibition & Excise Inspector (Retired) through Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velgapudi.
The Secretary, Tribunal for Disciplinary Proceedings, Andhra Pradesh, at Nampally, Hyderabad.
The Government Pleader for Services, Andhra Pradesh High Court, Amaravati. w.r.t C.C. Nos.332; 334 & 334 of 2019 in Writ Peitions.No.25587/2018; 26311/2018 & 26381/2018.
The Accountant General, Andhra Pradesh, Amavarathi @ Viajayawada/ Hyderabad.
The District Treasury Officer, Guntur District.
The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.
Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER